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Elimination of racism and racial discrimination

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 52/109 of 12 December 1997.

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I. Introduction

1. In its resolution 52/109 of 12 December 1997 concerning measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the General Assembly took note with appreciation of the report of the Special Rapporteur and welcomed his recommendation to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance. The General Assembly recognized that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world required a more effective approach on the part of the relevant mechanisms of United Nations human rights machinery; accordingly, it requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-third session.

2. The present report is chiefly a response to the request set out in the General Assembly resolution quoted above, and it takes account of the pertinent elements of the relevant Commission on Human Rights resolution. Its three main sections deal respectively with the Special Rapporteur's activities since the last report to the General Assembly, contemporary manifestations of racism and racial discrimination, measures taken or envisaged by Governments and legislative and judicial bodies and other authorities. It ends with conclusions and recommendations.

II. Activities of the Special Rapporteur

A. Participation in the work of the Commission on Human Rights

3. From 20 to 23 March 1998, the Special Rapporteur participated in the work of the fifty-fourth session of the Commission on Human Rights, at which he presented a written report on the situation relating to racism and racial discrimination in the world (E/CN.4/1998/79) and an oral report on his recent visit to South Africa.

4. Following consideration of his reports, the Commission adopted resolution 1998/26, in which it expressed its full support and appreciation for the work of the Special Rapporteur and for its continuation; called upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur; urged all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, *inter alia*, against Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance; it also requested the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations.

5. The Commission commended those States that had so far invited and received the Special Rapporteur and encouraged them to consider ways to implement the recommendations contained in his reports; it also requested him to include in his report to the Commission at its fifty-fifth session, under the same agenda item, information on the measures taken to implement those recommendations, and to undertake follow-up visits, if necessary.

B. Missions undertaken or under consideration by the Special Rapporteur

1. Mission to South Africa

6. The Special Rapporteur visited South Africa from 24 February to 5 March 1998. The Government, which he wishes to thank once again, cooperated actively with him; many actors in civil society were also most solicitous, and he wishes to express his gratitude to them also.

7. The Special Rapporteur became acquainted with a newly evolving nation inspired by the South African television slogan "Simunye – We Are One" and the unifying concept "The Rainbow Nation", devised by Archbishop Desmond Tutu. He observed that South Africa is rebuilding itself under the leadership of the Truth and Reconciliation Commission, which by means of its conciliatory role is endeavouring to give birth to a new country. The effects of change are already to be seen in the reorganization of the army and the police, which have developed affirmative action and equal opportunity programmes.

8. The leadership teams at the ministries and of the provincial and municipal administrations increasingly reflect the racial and ethnic composition of the country. The educational system is in the process of being reformed, and with the adoption of *Curriculum 2000* the falsehoods proclaimed by apartheid are to be eradicated from teaching tools. Legislative reform continues with a view to consolidating the non-discriminatory basis of the South African State. For example, the Employment and Equity Act is under preparation.

9. There is unquestionably still resistance on the part of some administrative sectors that still support racist views. In the area of education, there is opposition to the presence of Blacks at some institutions, even public ones. Furthermore, there is resistance in the private sector to the integration of members of previously disadvantaged groups, which is hampering the emergence of African economic operators; conciliatory approaches are being explored, however. The press remains largely in the hands of the supporters of the old regime, who like to disparage the action taken by the Government. The Government plans to remedy the lack of legislation punishing racist acts and racial discrimination.

10. With respect to the increase in xenophobia, an issue that constituted the second aspect of the Special Rapporteur's visit, both the official and the unofficial interlocutors with whom the Special Rapporteur met acknowledged that it was a matter of concern. This increased xenophobia is directed particularly against Africans from countries bordering on South Africa and from further afield (chiefly nationals of Mozambique, Zimbabwe, Swaziland, Lesotho, Nigeria and the Democratic Republic of the Congo). This xenophobia is no doubt the result of both the long isolation of South Africans from the rest of Africa and the fear that the migrants (both legal and illegal) and refugees will come and take advantage of the dividends of liberation before South Africans have themselves had an opportunity to benefit from them. The attraction that South Africa's relative prosperity exerts on migrants from countries experiencing social or economic crises, combined with liberal legislation on the right of asylum, would appear to mean that there is a possibility that the development plan introduced by the South African Government will meet with failure. The Government indicates that it is aware of these problems and is seeking appropriate solutions.

2. Mission to Australia

11. The mission to Australia scheduled for 3 to 19 May 1998 was organized in cooperation with the Australian Government, but for reasons outside the control of the Special Rapporteur and the Government it was postponed to a later date to be agreed upon by the two parties.

C. Follow-up to field missions

12. With regard to the field missions undertaken by the Special Rapporteur, the Governments of the United States, Germany and Brazil have sent him information on measures they have taken in implementation of his recommendations (see documents A/52/471, paras. 29-37, and E/CN.4/1998/79, paras. 109-127).

13. The United Kingdom (1995 mission), France (1995 mission) and Kuwait (1996 mission) have not transmitted any information to the Special Rapporteur on implementation of his recommendations.

14. Having visited Europe, North and South America, Africa and the Pacific, the Special Rapporteur plans to visit Asia next year in order to discuss the problems facing the region with the competent authorities and representatives of civil society.

D. Cotonou international meeting on all forms of racial discrimination

15. As part of the activities of the Institute for Human Rights and the Promotion of Democracy ("Democracy in daily life"), which he established in his home country (Benin), the Special Rapporteur organized an international meeting of experts on all forms of discrimination based on race, nationality, ethnic origin, religion or belief or any other factors in Africa south of the Sahara in Cotonou on 5 and 6 June 1997, with financial assistance from the United Nations Educational, Scientific and Cultural Organization. The meeting focused on the following subjects: (a) problem areas in the field of discrimination in all its forms in Black Africa; (b) relations between ethnic groups in the Sahel countries; (c) the problems of ethnicity, nationalities and relations between ethnic groups in Central Africa, particularly in the Great Lakes region; (d) discrimination against women and children: the case of Benin (Vidomegons); and (e) relations between the peoples of the Gulf of Benin and members of the non-African communities (Europeans, Lebanese, Syrians, Indians, Pakistanis, etc.).

16. The final report of the meeting is available at the Office of the United Nations High Commissioner for Human Rights. In the context of the forthcoming World Conference on Racism and Xenophobia, meetings of this kind should be organized at the subregional and regional levels in other parts of the world.

III. Contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

A. Resurgence of neo-fascism and neo-Nazism

17. Neo-fascism and neo-Nazism are gaining ground in many countries, especially in Europe. This is reflected by the electoral victories of extreme right parties advocating xenophobia, attacks on ethnic, national and religious minorities, and racial or ethnic purity in the countries where they are active. Such is the case in the following countries on which the Special Rapporteur has obtained information:

- Australia: the National Party won 23 per cent of the votes in the latest parliamentary elections in Queensland;

- Austria: the Liberal Party won 22.6 per cent of the votes and has 41 members of Parliament;
- Belgium: the Flemish Vlaams Blok won 12.3 per cent of the votes and has 11 representatives in the Federal Parliament, 15 in the Flemish Parliament, five in the Senate and two in the Brussels regional parliament;
- France: the Front National won about 15 per cent of the votes in various elections and some regions (Provence-Alpes-Côte d'Azur, Alsace) and its influence is growing steadily;
- Germany: in the Land of Saxony-Anhalt, the Deutsche Volksunion won 13.2 per cent of the votes and 16 seats in the regional elections;
- Italy: the National Alliance won 15.7 per cent of the votes and has 53 members of Parliament;
- Norway: the Progress Party has become the second largest political party, with 22 per cent of the vote and 41 members of Parliament;
- United States: the number of hate groups has increased by 20 per cent since 1996.

18. These parties are exploiting an economic and social climate characterized by fear and despair engendered by the combined effects of globalization, identity crises and social exclusion. They have also made changes designed to make them look like radical right wing democratic parties, softening their image while enabling them to conceal an unchanged preference for racism and xenophobia. Thus, for purely electoral motives, classic right wing parties are increasingly embracing the slogans of extreme right wing parties. Some young people are also receptive to xenophobic slogans.[1]

19. This growing increase in the power of extreme right wing parties is a cause for concern. International public opinion and non-governmental and international organizations, which seem to pay attention only to open conflicts or violent manifestations of fascism or xenophobia, should be alerted.

B. Discrimination against immigrants and migrant workers

20. In addition to the Americas, Asia and Europe, where various problems relating to immigration have been dealt with at length in previous reports, the Special Rapporteur would like to focus on the situation in Africa in this report.

21. The problem of migrant workers also exists in Africa, and some countries have organized charters for the large-scale deportation of undocumented aliens or have detained such aliens in holding camps prior to their repatriation.

22. This aspect of the question will be fully dealt with in the general report to the Commission on Human Rights and in the report on the mission to South Africa.

C. Anti-Semitism

23. It has recently been noted that while violent manifestations of anti-Semitism have declined, the phenomenon continues to develop on the Internet. It must be noted that the resurgence of the extreme right in Europe has so intensified the spread of classic ideas on anti-Semitism that there is a marked increase in violent anti-Semitic acts, such as the

vandalization on 15 July 1998 of a Jewish cemetery in the town of Orange in France. In Latvia, the synagogue of Riga was blown up on 2 April 1998.

24. This revival in the violent manifestations of anti-Semitism calls for vigilance and awareness raising.

D. Exploitation and manipulation of ethnicity for political purposes

25. As was noted by the international meeting of experts on all forms of discrimination, held in Cotonou on 5 and 6 June 1997, apart from the well-known cases of Burundi and Rwanda where ethnic rivalries resulted in tragic conflicts, ethnic groups have once again become increasingly important in many African States.

26. Apparently, in some sub-Saharan African countries, the criteria for defining ethnic groups (territory, language, race) can either be factors for integration and unification or factors for differentiating between different ethnic groups within given geographical areas on the basis of deep-rooted historical and cultural stereotypes. Should such criteria be used to highlight differences, they could result in serious multifaceted conflicts.

27. Moreover, politics in many countries seems to be based essentially on ethnic and/or regional considerations. The ethnic group is therefore a political instrument and pawn (gaining and maintaining power/building the electoral base). At the government level, the ethnic group and or region are fully taken into account in carrying out a skilful distribution of political posts as part of what is described a broad-based government of national unity, which is really more the result of attempts to achieve a balance between the regions or ethnic groups, such balance being perceived as a means of strengthening a nation's cohesion, solidarity and unity. This concern for regional or ethnic balance is also a factor in appointments to key State managerial positions. Ethnic groups are thus exploited and manipulated to a great extent for political purposes, something which today should give cause for concern.

28. Moreover, ethnic areas have always constituted, and still constitute, the electoral base of leaders and politicians in sub-Saharan African countries. Such leaders often make speeches with heavy ethnic undertones, paying occasional lip-service to national unity or integration. Thus, it is still difficult for liberal democracy based on individual rights and human dignity to take root, although some progress has been noted. The foregoing partly explains the conflicts that have recently caused bloodbaths in many African countries.

E. Internet and racism

29. As the Special Rapporteur noted in his previous reports (see A/52/47, paras. 19-21; E/CN.4/1998/79, para. 23), the use of the Internet for purposes of incitation to racial hatred is continuing. Over 200 sites worldwide are disseminating racist propaganda. As part of the international conference, and pursuant to the recommendations of the seminar on the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, which was held in Geneva from 10 to 14 November 1997 (E/CN.4/1998/77/Add.2), studies and research should be conducted on legal or voluntary measures that could be taken by States to prohibit the dissemination of racism on the Internet.

IV. Measures taken or envisaged by Governments and legislative and judicial bodies and other authorities

30. This section primarily concerns the countries already visited by the Special Rapporteur and countries or regional organizations on which specific information has been received by the Special Rapporteur.

A. France

31. The problem of undocumented aliens mentioned in the Special Rapporteur's reports to the Commission still exists in France: 70,000 of the 150,000 applications submitted for the regularization of the status of such aliens were rejected. It should be noted, however, that Charles Pasqua, former Minister of the Interior during whose term of office the immigration control laws were adopted, proposed in July 1998, in the wake of France's World Cup victory, that the status of all undocumented aliens should be regularized. France has discovered once again that it is a multiracial and multicultural society. Fifty-three per cent of those polled for a survey conducted by the French Public Opinion Institute (Institut français d'opinion publique), the *Journal du Dimanche* and *Le Monde* endorsed the proposal.

32. This cannot hide the fact that racism persists in France. As demonstrated by a recent opinion poll of the French National Commission on Human Rights (Commission nationale consultative française des droits de l'homme), 38 per cent of all French men and women say that they are openly racist, 27 per cent feel that there are too many Blacks in France, while 56 per cent feel that there are too many Arabs. Therefore, much remains to be done to combat racism, racial discrimination, xenophobia and related intolerance.

B. Brazil

33. Pursuant to article 68 of the Constitution, on 20 November 1997 the Palmares Foundation (Ministry of Culture) granted title of ownership to one of the 5,000 Afro-Brazilian communities that occupy the *quilombos*. According to officials contacted by the Special Rapporteur, the Government and the Palmares Foundation recognized the topographical surveys and legal studies on the delimitation of the 3,158.11 hectares of land occupied by the Afro-Brazilian communities of the Ivaporunduva *quilombo* in the municipality of Eldorado in São Paulo state.[7] To guarantee their legal rights, the other population groups and communities concerned would like similar measures concerning them to be taken through the legislative process, as provided for by the Constitution, and not through decrees.

C. Colombia

34. Pursuant to Act No. 70 of 1993 relating to land ownership rights of the Afro-Colombian communities and the protection of their cultural identity (see E/CN.4/1997/71/Add.1, paras. 15 and 16), the Colombian Government granted 700,000 hectares of land to 110 Afro-Colombian communities in the Antioquia and Choco regions (resolution No. 4566 of 29 December 1997 of the Colombian Institute for Agrarian Reform (Instituto Colombiano de la Reforma Agraria).

35. The Special Rapporteur welcomes this measure, which is in response to one of the recommendations of the report on his mission to Colombia. He hopes that the Colombian Government will continue its efforts to implement the other recommendations. In this regard, he urges the Government to contribute to the implementation of projects initiated by the communities themselves, especially the National Plan for the Development of Black Communities and the Project on Health Policies for Afro-Colombian Communities.

D. United Kingdom of Great Britain and Northern Ireland

36. The British Parliament recently passed an act on race relations in Northern Ireland, which fills a lacuna by prohibiting racial discrimination with respect to employment, training, education, housing and the supply of goods and services. However, although a bill making the denial of the Holocaust a criminal offence was thoroughly debated, it was not adopted by Parliament.[3]

E. United States of America

37. The Special Rapporteur is closely following the work of the Advisory Commission on Race in America established by President Clinton, and is looking forward to its conclusions and to measures taken by the Government.

F. Europe

38. Following the declaration of 1997 as the European Year against Racism, many events, lectures and seminars were held. In that regard, the Treaty of Amsterdam contained a general clause on non-discrimination which allows the Council of the European Union, following the ratification of the Treaty, and at the proposal of the European Commission, to take appropriate measures to combat any discrimination based on gender, race, ethnic origin.

39. The Commission also adopted a plan of action against racism that proposes concerted action at the European level to alert public opinion to the dangers of racism and put forward solutions. The Commission plans to include the fight against racism and racial discrimination and the promotion of integration in all appropriate areas of activity, including employment, European structural funds, education, training and youth programmes, policy on public contracts, research activities, external relations, information activities, and cultural and sports initiatives. The Commission intends to continue to reflect in its own policies and practices the principles of non-discrimination and efforts to combat racism and xenophobia.[4]

40. It should also be noted that the European Commission against Racism and Intolerance has published studies on the situation with respect to racism and racial discrimination in the member countries of the Council as well as on the legislative, judicial and administrative measures taken to combat the steady rise in racism, xenophobia and anti-Semitism. Such studies cover Belgium, the Czech Republic, Finland, Germany, Greece, Hungary, Iceland, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Poland, San Marino, Slovenia and Switzerland.[5]

V. Conclusions and recommendations

41. As the foregoing developments show, the most alarming trends in the manifestations of racism, racial discrimination, xenophobia and related intolerance concern the resurgence of neo-fascism and neo-Nazism, the continued use of the Internet for the purpose of disseminating racist ideology and the exacerbation of ethno-nationalism. The General Assembly should devote particular attention to the consideration of these phenomena. The Special Rapporteur therefore wishes to make the following recommendations:

(a) As part of the preparations for the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance, regional and subregional meetings of experts (in Africa, Asia and the Americas) like the one held in Cotonou in 1997 should be encouraged and promoted with the assistance of the specialized agencies in the United Nations system, including the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, in order to consider the problems caused by such phenomena.

(b) A body on neo-fascism, neo-Nazism and ethno-nationalism should be established to study such phenomena in close cooperation with the Special Rapporteur. States Members should be invited to communicate relevant information to this body.

Notes

[1] See *Le Monde Diplomatique*, No. 529, April 1998, p. 1.

[2] Territory delimited on the basis of the research work of the anthropologist Guilherme dos Santos Barboza and his team; see Centro Afro-Brasileiro de Estudos e Pesquisas Culturais. Relatorio ethnologico, technico e scientifico sobre os quilombos de Vale de ribeira, São Paulo, 1979.

[3] See *Institute for Jewish Policy Research Newsletter*, Spring 1998, pp. 1 and 2.

[4] *Plan of action against racism*, Communication of the European Commission, Brussels, 25 March 1998, COM (1998) 183 final.

[5] European Commission against Racism and Intolerance (ECRI). ECRI's country-by-country approach, vol. 1, CRI (97) 48.